

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

VALENCIA GARNER, OSCAR)
GARNER, and THADDEUS BRADLEY,)
)
Plaintiff,¹)
)
v.) Case No. CV413-224
)
UNITED STATES OF AMERICA,)
CENTRAL INTELLIGENCE AGENCY,)
HOLIDAY INN EXPRESS SUITE, and)
MR. GREG JOHNSEN, *General*)
Manager,)
)
Defendants.)

REPORT AND RECOMMENDATION

Valencia Garner has filed a “Motion Court For Rule 3 Commence Of Action,” which the Court construes as a civil complaint. (Doc. 1.) She has also moved for leave to proceed *in forma pauperis* (“IFP”). (Doc. 2.) She asserts that she is homeless and receives only government benefits, so the Court **GRANTS** her motion to proceed IFP. (*Id.*) Her complaint,

¹ Only Valencia Garner signed the complaint. (Doc. 1 at 7.) Normally, the Court would require every plaintiff to sign, since Garner is not an attorney and cannot sign for the other plaintiffs. This case, however, is factually frivolous and should be dismissed regardless of this procedural misstep.

however, must be dismissed.

Garner, a resident of Atlanta, Georgia, states that defendants are guilty of kidnapping, robbery, burglary, “capitol [sic] murder, first degree murders, malice murders, most wanted murder,” and that they deprived her of “All twenty eight U.S. Constitutions.” (Doc. 1 at 1-2.) The majority of her complaint centers upon what appears to be several different hotel stays in the Atlanta area.² The first hotel had turned her away but later allowed her to stay there. (*Id.* at 2.) She paid for a room with two queen beds but was given a room with two doubles, which she believes amounted to “room robbery.”

She further explains that she went there to get away from “transvetics. And there [sic] AIDS.” (*Id.*) When she got the room, the refrigerator and air conditioning were set improperly “To spread degree transaids.” (*Id.* at 3.) “These killers” are also guilty of “Proliferation of weapons of mass destruction” due to their attempts to spread “transaids,” and ultimately caused her to lose “40 years of [her] life.”

² The United States District Court for the Northern District of Georgia would likely have proper venue for the action, but the Court declines to transfer it. Considering the outlandish allegations made in the complaint, it is best simply to dismiss it rather than burdening another court with this frivolous matter.

(*Id.* at 4.) When she went to another hotel, their “shuttle buses . . . robs people of there [sic] freedom of space.” (*Id.* at 6.) “I was confronted with transexuallity [sic] with these people identity problems.” (*Id.*) Finally, “federal agents” have “my two sons kidnapped.” (*Id.* at 5.) For these offenses, she requests more money than exists in the entirety of the United States economy (a multiple of \$ 999,000,000,000,000,000.00). (*Id.* at 9-11.)

This case contains only fantastic and fanciful allegations and is thus factually frivolous. *See Ashcroft v. Iqbal*, 556 U.S. 662, 696 (2009) (“The sole exception to this rule [that a court must accept a complaint’s allegations as true, no matter how skeptical the court may be] lies with allegations that are sufficiently fantastic to defy reality as we know it: claims about little green men, or the plaintiff’s recent trip to Pluto, or experiences in time travel.”) (Souter, J., dissenting); *see also Denton v. Hernandez*, 504 U.S. 25, 32 (1992) (under 28 U.S.C. § 1915, a federal court may dismiss a complaint whose factual contentions describe “fantastic or delusional scenarios, claims with which federal judges are all too familiar”). The Court may dismiss such complaints *sua sponte*. *See Gallop v. Cheney*, 642 F.3d 364, 366, 368-69 (2d Cir. 2011) (district

court permitted *sua sponte* to dismiss complaint as factually frivolous where plaintiff, represented by counsel, alleged that senior U.S. government officials caused the September 11, 2001 attacks).

For the foregoing reasons, Garner's complaint must be **DISMISSED** as frivolous, and her request for appointment of counsel and "motion for court warrants" (doc. 3) are also **DENIED**.

SO REPORTED AND RECOMMENDED this 4th day of November, 2013.



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA